

# EXHIBIT 3



**U.S. Department of Justice**

Civil Division

MFH:JB:JNeal  
46-18-1921

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February 9, 2007

BY ELECTRONIC TRANSMISSION AND OVERNIGHT MAIL

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51 Louisiana Ave. N.W.  
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Re: *U.S. ex rel Ven-A-Care of the Florida Keys v. Abbott Laboratories*,  
CA No. 06-11337, MDL No. 1456/No. 01-12257-PBS; *U.S. ex rel. Ven-a-Care of the Florida Keys Inc v. Dey*, MDL No. 1456/Civil Action No. 05-11084

Dear Counsel:

As promised, attached please find a privilege log denoting the United States' privilege assertions in response to No. 126 of Abbott's First Set of Requests for Production of Documents, which seeks "All documents in the possession of agencies or agents of the U.S. Government previously withheld on privilege grounds that were responsive to Defendants' subpoenas or requests for documents in MDL 1456 and 1430." The United States will also be producing all or part of approximately 171 documents in response to this RFP. Approximately 118 such documents have been placed onto a CD, which we will send to you today via overnight mail. Our contractor is currently working to place the remainder onto a second CD, which we will produce to you early next week.

If you have any questions about any of the United States' privilege assertions, please give me a call, and we can set up a time to meet and confer about your concerns. In the meantime, don't hesitate to contact me if you have any other questions about this letter.

Sincerely,

/s/ John K. Neal

John K. Neal

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Trial Attorney  
Fraud Section

cc: (with attachments)

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## Amended CMS Privilege Log 2004 Production

Document Number	Date	Type	Description	Author	Author Position	Addressee	Addressee Position	Coppyee	Privileged Designation
HHC001-04600460 (Last 3 para. Redacted)	12/19/1996	E-mail	Discussion after meeting with Hogan & Hartson about payment for Lupron and Zolodex.	Ault, Thomas		Schumaker, B., Niemann, R., Bagley, G,		McCann, B., Wynn, B., Sheingold S.	DP Deliberative Process
HHC002-0380380	09/14/1992	Letter	Draft of Response to Eli Lilly Concerning Medicaid Drug Rebate Payments. This is a discussion between attorney and client about the Medicaid drug rebate statute and how to respond to an inquiry from Eli Lilly.	Salhus, Mary	Attorney, OGC	Reed, Larry			AC Attorney-Client, DP Deliberative Process
HHC002-03810382	09/14/1992	Letter	Draft of Response to Eli Lilly Concerning Medicaid Drug Rebate Payments. This is a discussion between attorney and client about the Medicaid drug rebate statute and how to respond to an inquiry from Eli Lilly.	Salhus, Mary	Attorney, OGC	Reed, Larry			AC Attorney - Client, DP Deliberative Process
HHC002-03830383	XX/XX/XXXX	Memo	Internal discussion regarding advice given by OGC. Contains discussion of interpretation of the Medicaid drug rebate statute.						DP Deliberative Process
HHC003-01140115	Approximately 2000-2001	Draft Letter	Discusses the use of alternative AWP data obtained by the Department of Justice.	Miller, Mark E., PH.D., Center for Health Plans and Providers	Deputy Director	Kotecha, N.M., MD			DP Deliberative Process
HHC003-01210124	Approximately 2000-2001	Draft Letter	Discusses the use of alternative AWP data obtained by the Department of Justice. Also discusses past Medicare drug payment policy.	Miller, Mark E., PH.D., Center for Health Plans and Providers	Deputy Director	Bromberg, Warren D., MD, Mount Kisco Medical Group			DP Deliberative Process
HHC003-04180419	XX/XX/XXXX	Appendix 1	Description of sampling used to develop nationwide estimates of prices paid for brand name drugs						DP Deliberative Process
HHC003-04200421	XX/XX/XXXX	Appendix 2	Nationwide AWP Sample Results Brand Name Drugs						DP Deliberative
HHC004-02290239	XX/XX/XXXX	Draft	Draft OIG Report; Medicaid Pharmacy--Actual Acquisition Cost of Prescription Drug Products, (A-06-00-00023)	DHS	Office of Inspector General				DP Deliberative Process
HHC006-02999302	XX/XX/XXXX	Analysis Sheet	Internal Analysis of Connecticut State Plan Amendment No. 03-002. Analysis of proposed state payment methodology for Medicaid drugs.	Tieng, Chong B.	Health Insurance Specialist	Tepper, Carl; Rich, Irv	Pharmacist, HealthInsurance Specialist		DP Deliberative Process

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HHC009-01760177	XX/XX/XXXX	Memo	Michigan SPA 01-15 And Supplemental Rebate. OGC review of state's proposal to amend their drug reimbursement methodology and how it calculates its supplemental rebates.	Salhus, Mary; Lyons, Susan Maxson	Attorneys, OGC	Howell, Kim			AC Attorney-Client
HHC011-20422046	01/25/1990	Memorandum	Legal opinion of Proposed Arkansas Medicaid Disallowance Of Prescription Drug Claim (Your Reference AR/90/002/MAP)	Kermit Fonteno,	Attorney, Office Of The General Counsel Region VI	Sconce, J. D.,	Health Care Financing Administration Region VI	Regional Administrators : Boston, New York, Philadelphia, Atlanta, Chicago	AC Attorney-Client
HHC015-12631263	XX/XX/XXXX	E-mail	Discussion of former inquiries with OGC regarding TAP litigation and use of least costly alternative policy.	Burgess, Sharon		NHIC-M			AC Attorney-Client
HHC901-00930133 (Released 0131-33)	XX/XX/XXXX	Memo with Attachments	Request for a Modification to Contract #500-96-0026, Task order #17 re: Prices Established by the Private and Public Sectors for Drugs also Covered Under Medicare Part B	Stoogenke, Marvin M., HCFA	Project Officer, Division of Supplier Claims Processing, Center of Health Plans and Providers		Director, HCFA, Div. of Research Contracts and Grants, Acquisition and Grants Group		DP Deliberative Process
HHC901-01760184	XX/XX/XXXX	Contract Document	Proposed contract to Develop Electronic Drug Pricing Containing Reimbursement Allowances for Drugs Covered Under the Medicare Program by developing an AWP for covered drugs	Broseker, Joseph, HHS	Dep. Director in CCHP	Pritchett, Jacqueline		Stoogenke, Marvin	DP Deliberative Process
HHC901-02210222	2000	Notes	Response to recent communications with handwritten comments regarding using NDC's as identifiers, draft manual instructions regarding drug pricing, and crosswalk for drug pricing.						DP Deliberative Process
HHC901-03600365	2000	Memo with Attachment	Draft of memo Establishing a Medicare Single Drug Pricer (SDP) and changing how Medicare reimburses for drugs - Advisory	Grissom, Tom		Scully, Tom			DP Deliberative Process
HHC901-06680680	2001	Draft	Draft GAO Report with notes re Pricing of Medicare's Part B-covered Prescription Drugs as directed by the SCHIP Improvement Act ( P.L. 106-554).						DP Deliberative Process, AC Attorney-Client

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HHC901-06890710	2000 or 2001	Draft Program Memorandum with Attachment	Intermediaries/Carriers - A More accurate source of Average Wholesale Data (Attached) in Pricing Drugs and Biologicals covered by the Medicare Program. Related to AB-00-86	HCFA					DP Deliberative Process
HHC901-07110715 (Released 711, 713 & 715)	2000 or 2001	Memo with Attachment	Medicare Payments for Drugs Using Department of Justice Data	Hash, Michael	Deputy Administrator	Thurm, Kevin	Deputy Secretary		DP Deliberative Process
HHC901-07160723	2000 or 2001	Program Memorandum Intermediaries/Carriers	Change Request 1232: Draft Transmittal: "A More Accurate Source of Average Wholesale Price Data (Attached) in Pricing Drugs and Biologicals Covered by the Medicare Program."	Department of Health and Human services, Health Care Financing Administration					DP Deliberative Process
HHC901-07290735	2000 or 2001	Draft Program Memorandum with Attachment	Draft of Memorandum to Intermediaries/Carriers with handwritten notes -Subject: Another Source of Average Wholesale Price data (Attached) in Pricing Drugs and Biologicals Covered by the Medicare program. Related to AB-00-86. (Change Request No. 1232)	HCFA					DP Deliberative Process
HHC901-07590762	2000 or 2001	Draft Program Memorandum with Attachments	Intermediaries/Carriers - Change Request 1232 re "Another Source of Average Wholesale Pricing Data (Attached) in Pricing Drugs and Biologicals Covered by the Medicare Program"	HCFA					DP Deliberative Process
HHC901-07670767	XX/XX/XXXX	List	Wholesaler Contact Information and Calculations. Handwritten notes regarding Albuterol. Other notes calculating the percentage of spread.						DP Deliberative Process
HHC901-07840787	XX/XX/XXXX	Notes	Re Contract Money and Development of AWP Data (Handwritten)						DP Deliberative Process
HHC901-07880789	XX/XX/XXXX	Memo-Options Memo	Outlining current policy and options re: Dealing with problems and issues arising from use of DOJ AWP data.					Niemann, R	DP Deliberative Process
HHC901-07900795	XX/XX/XXXX	Draft Program Memorandum	Intermediaries/Carriers - Change Request 1232 re "Another Source of Average Wholesale Pricing Data (Attached) in Pricing Drugs and Biologicals Covered by the Medicare Program (Draft)						DP Deliberative Process

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HHC901-08210822	XX/XX/XXXX	Notes	AWP Prices and Investigation meeting notes (Handwritten)						DP Deliberative Process
HHC901-08290829	XX/XX/XXXX	Notes	AWP Prices and Investigation meeting notes (Handwritten). Discussion of using DOJ AWP data.						DP Deliberative Process
HHC901-08350835 (Notes redacted)	04/9/1997	Email	re: carrier payment policy for Self-Injected Lupron	Niemann, Robert		McCann, Burt			DP Deliberative Process
HHC901-08360838	XX/XX/XXXX	Note	Note to Bob Niemann re Clearance of Lupron Language. Legal advice on revising response regarding payment for Lupron and Zolodex and local medical review policy.	Carp, Leila, DHHS/OS		Neimann, Bob, HCFA			AC Attorney-Client, DP Deliberative Process
HHC901-08390839 (Portions redacted)	10/24/1996	Email	Addressing South Carolina carrier least costly alternative policy regarding Lupron and Zolodex	Schumaker, Bernadette		Ault, T		Niemann, R.; Bagley, G.; Primack, A.	DP Deliberative Process, AC Attorney-Client
HHC901-08400840 (Last 3 paragraphs redacted)	12/19/1996	Email	Discussion after meeting with Hogan & Hartson about payment for Lupron and Zolodex.	Ault, T		Schumaker, B.; Niemann, R.; Bagley, G.		McCann, B., Wynn, B., Sheingold S.	DP Deliberative Process
HHC901-08430844	02/26/1997	Email	With a handwritten notes discussing concerns re: Local Medical Review Policy 97-01-D, Luteneinzing Hormone-releasing Hormone Analogs. Also contains discussion of payment for Lupron and Zolodex.	Sheridan, David		Neimann, R			DP Deliberative Process
HHC901-08460848	11/24/1998	Draft	Draft Lupron Statement, by G.N. Rogan, MD, NHIC. Discussing proposed local medical review policy for Lupron and Zolodex.	Rogan, G. N.					DP Deliberative Process
HHC901-08620864	02/28/1997	Draft Letter	Local Medical Review Policy 97-01-D, Luteneinzing Hormone-releasing Hormone Analogs. Discussing reasons for local medical review policy.	Sheridan, David, Medicare Palmetto Government Benefits Administrators	Medical Director	Hulecki, Steven, South Carolina Urology Association	Medical Director		DP Deliberative Process
HHC901-08710873	XX/XX/XXXX	Slides	Printout of slides entitled "Least costly alternative policy making" Appears to be draft slides. Also discusses payment for Lupron and Zolodex.	Sheridan, David, Palmetto GBA					DP Deliberative Process
HHC901-08740876	04/3/1997	Memo	Note to Bob Niemann re Clearance of Lupron Language. Legal advice on revising response regarding payment for Lupron and Zolodex and local medical review policy.	Carp, Leila,	Attorney, OGC	Neiman, Bob, HCFA			AC Attorney-Client, DP Deliberative Process
HHC901-08710877	05/6/1997	Email	Discussing comparison between Lupron and Zolodex.	Fourcroy, Jean FDA		Conrad, Constance, HCFA			DP Deliberative Process

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HHC901-08780878 (Portions Redacted)	XX/XX/XXXX	Information Sheet	TAC Information Sheet with handwritten notes re Limiting the Payment Allowance of Lupron to that of Zoladex			Nieman, Robert,;; DACS: OPACP; BPD		Zone, Bob; Sharpe, John	DP Deliberative Process
HHC901-09400943 (941: Release with redactions, 942-43: Released)	06/30/1996	Email	Lupron Technology Advisory Committee (TAC) Agenda Item - Reply. E-mail contains discussion of TAC agenda.	Barton, Mccann		Niemann, R			DP Deliberative Process
HHC901-09440945 (944: Released)	Feb. 1993	Meeting Notes	TAC Meeting Minutes discussing policy regarding payment for Lupron	McCann, Barton		Niemann, R.			DP Deliberative Process
HHC901-09460949	06/25/1996	Email with Attachments	TAC Meeting Minutes discussing policy regarding payment for Lupron	Conrad, Constance		Niemann, R.			DP Deliberative Process
HHC901-09500950	01/2/1997	Email	Payment For Lupron. Discussing how to instruct carriers regarding payment for drugs.	Niemann, Robert		Francis, S.		Ault,; Wynn, B.; Schumaker, B.	DP Deliberative Process
HHC901-09510951	12/31/1996	Email	Payment For Lupron. Discussing carriers calculation of estimated acquisition cost.	Jaye, Robert, DHHS/OS		Ault, T.		Francis, S.	AC Attorney-Client, DP Deliberative Process
HHC901-09530955	04/27/1999	Fax Transmission	Providing list of drugs surveyed for wholesale prices.	Riordan, Mary E.		Niemann, Bob	HCFA		DP Deliberative Process
HHC901-09730975	XX/XX/XXXX	Draft Memo	Draft Options paper regarding problems with implementation of Wholesale Prices provided by DOJ. (Draft with Handwritten Notes)		Director, Center For Health Plans and Providers	The Administrator		The Deputy Administrator	DP Deliberative Process
HHC901-09940994	XX/XX/XXXX	Note	Explaining question as to use of AWP maintained in FDB.						DP Deliberative Process
HHC901-09950995	XX/XX/XXXX	List	Discussion of Concerns with Using Department Of Justice / First Data bank(FDB) Data in Medicare.						DP Deliberative Process
HHC901-09970997	XX/XX/XXXX	Note	Discussion of information to be included in letter and policy paper. Discusses use of DOJ data.					Reed, Cindy	DP Deliberative Process
HHC901-10031007	XX/XX/XXXX	Draft Contract Document	Statement of Work (Medicare Part B Drug Pricing Consistency Methodology and NDC Functionality Development)						DP Deliberative Process
HHC901-10081013	XX/XX/XXXX	Draft Contract Document	Task Order Statement of Work (SOW): Medicare Drugs and Biologicals Pricing Consistency Project						DP Deliberative Process



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HHC901-10141014	XX/XX/XXXX	Note	Discussion of using alternative data for calculation of AWP.						DP Deliberative Process
HHC901-10161016	XX/XX/XXXX	Note	Handwritten notes discussing the use of alternative data for calculation of AWP.					Reed, Cindy	DP Deliberative Process
HHC901-10181028	02/3/1999	Fax with Attachments	First Data Bank Statement Proposal, Government Draft Response and Comments re FDB Price Reports and Threatened Litigation	Stephens, Reed, Department of Justice		Neimann, Bob		Riordan, Mary, HHS/OIG	DP Deliberative Process
HHC901-10291032	05/4/1999	Fax with Attachments	Revised Version of First Databank Proposal	Riordan, Mary, DHHS/OIG		Neimann, Bob HCFA; Reed, Larry, HCFA			DP Deliberative Process
HHC902-00010004	XX/XX/XXXX	Draft proposal	Discussion of alternative reimbursement mechanisms for the Medicare Program's payment for drugs, and the pros and cons of such policies. (See also HHC902-00190034, HHC902-00350052, HHC902-00810085)	N/A		N/A			DP Deliberative Process
HHC902-00050016	12/6/1995	Draft proposal	Discussion of an alternative reimbursement mechanism for the Medicare Program's payment for drugs.	N/A		N/A	(AWP)		DP Deliberative Process
HHC902-00170018	04/1/1996	Memo	Outline of issues to be discussed at upcoming principal's meeting. Includes discussion of pros and cons of alternative reimbursement mechanisms.	Greenberg, George, ASPE		Boyd, Anna, Exec Sec			DP Deliberative Process
HHC902-00190034	04/24/1996	Note with Attachments	Legal Note to Barbara Chanoski regarding a discussion of alternative reimbursement mechanisms. That discussion is attached and contains Leila Carp's handwritten comments on the discussion. (See also HHC902-00010004, HHC902-00350052, HHC902-00810085)	Leila Carp	OGC	Barbara Chanoski			DP Deliberative Process, AC Attorney-Client

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HHC902-00350052	04/29/1996	Draft NPRM	Draft NPRM (BPD852PB.B, pp. B12-B29) on drug and biological pricing policy. Discusses alternative reimbursement mechanisms and the pros and cons of such policies. (See also HHC902-00010004, HHC902-00190034, HHC902-00810085)	N/A		N/A			DP Deliberative Process
HHC902-00530055	04/26/1996	Draft NPRM	Draft NPRM (BPD852PC.C, pp. C9-C11) on drug and biological pricing policy. Discusses potential affects of alternative reimbursement mechanisms.	N/A		N/A			DP Deliberative Process
HHC902-00590062	02/20/1996	Briefing Material	Briefing material for the Administrator discussing proposals, pros/cons and potential effects of changes in the following policies: independent physiological labs - physician supervision of diagnostic test, physician fee schedule payment areas, and alternative reimbursement mechanisms.	Administrator		N/A			DP Deliberative Process
HHC902-00670067	1999-2001	Note	Note regarding revised drug language in revised draft Fraud and Abuse bill. Contains two comments from Mr. Burney regarding language contained in the draft bill.	Burney, Ira	CMS OL	Nelson, Thayer	OGC		DP Deliberative Process/ AC Attorney-Client
HHC902-00680079	05/6/1998	Memo with Attachments	Mr. Burney's comments on a physician NPRM and private contracts. Also contains Mr. Burney's comments on a transmittal memo to the Secretary and a list of typos.	Burney, Ira	CMS OL	Chanoski, B: Kay, T.			DP Deliberative Process
HHC902-00800080 (Portions redacted)	04/22/1998	Memo w/ handwritten notes	Memo regarding a story on ABC Evening News regarding the quality of compounded drugs dispensed and payment differences for prescription drugs between Medicare beneficiaries and other health care consumers. Contains Mr. Price's suggestion of how to respond to the news story.	Price, William		Peacock, C.		Johnson, R.; Proctor, J.: Ruiz, L: Delillo: Joel K: Walt: Bill L: Bob N	DP Deliberative Process

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HHC902-00810085	03/12/1996	Draft	Discussion of alternative reimbursement mechanisms for the Medicare Program's payment for drugs, and the pros and cons of such policies. Contains handwritten comments and corrections from Mr. Spalding. (See also HHC902-00010004, HHC902-00190034, HHC902-00350052)	Spalding, Charlie					DP Deliberative Process
HHC902-00860093	03/07/XXXX	Note with attachment of drug pricing NPRM draft	Handwritten note to "Charlie" from Mr. Niemann requesting "Charlie's" comments on the attached drug pricing NPRM draft. Contains discussion of alternative reimbursement mechanisms and the potential impact of such new policies. Draft NPRM contains "Charlie's" handwritten comments on the language.	Niemann, Robert		Charlie			DP Deliberative Process
HHC902-00940097	12/13/1995	Memo with Attachment	Memo regarding an upcoming meeting. Attachments contain talking points regarding alternative Medicare Part B reimbursement mechanisms and the pros/cons/potential impact of each. Also attached are talking points for waste/spoilage concerns for chemotherapy drugs. (See also HHC902-01000102, HHC902-01030104)	Bernadette		Spalding, Charlie; Pat; Bob; Dorothy			DP Deliberative Process
HHC902-00980099	03/22/1996	Note	Note containing the OGC's opinion regarding the use of data in alternative reimbursement mechanisms.	Salhus, Mary	OGC	Niemann, Robert		Carp, Leila	AC Attorney-Client, DP Deliberative Process
HHC902-01000102	12/11/1995	Draft	Discussion of alternative Medicare Part B reimbursement mechanisms and pros/cons/potential impact of each. Also contains talking points regarding waste and spoilage concerns for chemotherapy drugs. (See also HHC902-00940097, HHC902-01030104)	Niemann, Robert					DP Deliberative Process

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HHC902-01030104	12/11/1995	Draft	Discussion of alternative Medicare Part B reimbursement mechanisms and pros/cons/potential impact of each. (See also HHC902-00940097, HHC902-01000102)	Niemann, Robert					DP Deliberative Process
HHC902-01050106	01/29/1996	Draft	Discussion of alternative Medicare Part B reimbursement mechanisms and pros/cons/potential impact of each.	Niemann, Robert					DP Deliberative Process
HHC902-01070108	05/8/1996	Note	Note containing comments in response to reviewing a draft NPRM regarding alternative reimbursement mechanisms.	Chang, Debbie	Director, OLIGA	Brown, Sue			DP Deliberative Process
HHC902-01090111	6/30/1993	Draft Memo	Instructions regarding how to determine the acquisition cost of drugs pursuant to 42 CFR 405.517. (See also HHC902-01290131)			All ARAs For Medicare			DP Deliberative Process
HHC902-01120112	02/18/1993	Memo	Comments regarding a draft memorandum from the Administrator to the OIG regarding the OIG report "Physicians' Costs for Chemotherapy Drugs." (See also HHC902-01140115, HHC902-01190119, HHC902-01850185, HHC902-01860186)	Buto, Kathleen, HCFA		Stojak, Mary, Office of Budget and Administration		Weintraub, S: Shelby	DP Deliberative Process
HHC902-01140115	1992-1993	Memo	Draft Response to OIG Final Management Advisory Report "Physicians' Costs for Chemotherapy Drugs." Provides comments on OIG's findings. (See also HHC902-01120112, HHC902-01190119, HHC902-01850185, HHC902-01860186)	Toby, William	Acting Director, HCFA	Mitchell, Bryan,	Principal Deputy Inspector General, OIG		DP Deliberative Process

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HHC902-01190119	01/13/1993	Memo	Reiterates HCFA response to OIG Final Management Advisory Report "Physicians' Costs for Chemotherapy Drugs," Provides comments on OIG's findings. (See also HHC902- 01120112, HHC902-01140115, HHC902-01850185, HHC902-01860186)	Buto, Kathleen, HCFA	Director, Bureau of Policy Development	Director	Office of Budget and Administration		DP Deliberative Process
HHC902-01280131	XX/XX/XXXX	Draft Memo	Draft of instructions regarding how to determine the acquisition cost of drugs pursuant to 42 CFR 405.517. (See also HHC902-01090111)			All ARAs For Medicare			DP Deliberative Process
HHC902-01850185	02/12/1993	Draft Note	FQA-541. Comments regarding draft memorandum from HCFA administrator to the OIG regarding the OIG Report "Physicians' Costs for Chemotherapy Drugs."	Buto, Kathleen; HHS		Stajak, Mary	Office of Budget and Administration	Weintraub, S; Rolanda	DP Deliberative Process
HHC902-01860186	02/9/1993	Draft Note	Comments regarding draft memorandum from HCFA administrator to the OIG regarding the OIG Report "Physicians' Costs for Chemotherapy Drugs." (See also HHC902-01120112, HHC902-01140115, HHC902-01190119, HHC902-01850185)	Buto, Kathleen		Stajak, Mary	OBA		DP Deliberative Process
HHC902-01870201	2001-2002	List with Attachments	Discussion of numerous alternative reimbursement mechanisms for Medicare-covered drugs. Includes handwritten notes listing and describing many of the possible alternative reimbursement mechanisms (i.e., brainstorming material.)	Greenburg, Alan					DP Deliberative Process

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HHC902-02140244	04/1999 - 06/1999	Memo with Attachments	Discussion of the issue regarding alternative reimbursement mechanisms and the use of DOJ data regarding one such alternative. Presents an impact analysis of changes in reimbursement and its potential effect on the delivery of care. Includes different documents, including a memo, handwritten notes and charts. (See also HHC902-02510258)	Hash, Michael	Deputy Administrator	Thurm, Kevin	Deputy Secretary	ES; COS	DP Deliberative Process
HHC902-02510258	04/1999 - 06/1999	Memo	Discussion of the issue regarding alternative reimbursement mechanisms and the use of DOJ data regarding one such alternative. Presents an impact analysis of changes in reimbursement and its potential effect on the delivery of care. (See also HHC902-02140244)	Hash, Michael	Deputy Administrator	Thurm, Kevin	Deputy Secretary	ES; COS	DP Deliberative Process
HHC902-02710310	1997-1998	Draft Memoranda, Email, Handwritten Notes	Series of drafts, notes and emails discussing the pros and cons of an alternative reimbursement mechanism.	Niemann, Robert; Buto, Kathleen; Schumaker, Bernadette		Schumaker, Bernadette; Wynn, B.			DP Deliberative Process
HHC902-03150315	05/XX/1997	Stickie/Note	Handwritten note regarding drafting of future legislation or regulations concerning payment for drugs.	Bart		Niemann, Bob			DP Deliberative Process
HHC902-03210321	11/6/1996	Letter	Letter regarding Medicare payment for Zoladex and general discussion of Medicare's current reimbursement policy.	Crusick, Elizabeth	Director Office of Physician and Ambulatory Care Policy	Niemann, R.			DP Deliberative Process
HHC902-03360338 (Portions redacted on 338)	Pre-2002	Information Sheet w/ Handwritten Notes	Discussion of current policy and potential changes in the policy regarding Medicare coverage of Lupron and Zoladex.	Niemann, Robert; Zone, Bob	Technology Advisory Committee				DP Deliberative Process
HHC902-03470351	2/13/1998	Email of Draft Policy w/ Handwritten Notes	Discusses an alternative reimbursement mechanism and lists citations of regulations and statutes that would be affected by implementation of such an alternative.	Bard(?)		Niemann, Bob			DP Deliberative Process

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HHC902-03550360	10/20/1998	Draft Final Rule w/ Handwritten Notes	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03610368, HHC902-03760381)	N/A		N/A			DP Deliberative Process
HHC902-03610368	09/24/1998	Draft Final Rule	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03550360, HHC902-03760381)	N/A		N/A			DP Deliberative Process
HHC902-03690369	01/30/1998	Memo	Note discussing definition of "brand" name for drug.	Marvin		Niemann, Bob			DP Deliberative Process
HHC902-03700375	XX/XX/XXXX	Draft Responses to NPRM Comments w/ Handwritten Comments	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03920395, HHC902-04320437)	N/A		N/A			DP Deliberative Process
HHC902-03760381	XX/XX/1998	Draft Final Rule w/ Handwritten Notes	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03550360, HHC902-03610368)	Regulatory Staff		N/A			DP Deliberative Process
HHC902-03820388	08/28/1998	Briefing Paper	Discussion of numerous non-practice expense issues in the final Physician Fee Schedule regulation. Includes discussion of issues and staff recommendations of how to proceed. Includes draft language of HCFA response to public comments on applicable NPRM.						DP Deliberative Process
HHC902-03920395	XX/XX/XXXX	Draft Responses to NPRM Comments w/ Electronic Notes	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03700375, HHC902-04320437)	N/A		N/A			DP Deliberative Process

## Amended CMS Privilege Log 2004 Production

HHC902-04320437	XX/XX/XXXX	Draft Responses to NPRM Comments w/ Handwritten Notes	Draft of preamble to final rule. Includes discussion of NPRM previously issued implementing the BBA. Includes responses to the comments received during the comment period. (See HHC902-03700375, HHC902-03920395)	N/A		N/A			DP Deliberative Process
HHC902-05150517	04/17/1991	Memo	Memo in response to inquiry from Ms. Nye regarding the legal options for altering the coverage of services provided with the drug Clozaril. (See HHC902-05300531, HHC902-05350535)	Salhus, Mary, HHS/OGC	Attorney	Nye, Christine, HHS/CMS	Director Medicaid Bureau		AC Attorney-Client, DP Deliberative Process
HHC902-05260529	06/5/1991	Memo and Background Materials	Memo discussing upcoming speech to the Drug Information Association. Attached are the main points from Rozann Abato's speech.	Hickman, William, HHS/HCFA		Kahn, Mike			DP Deliberative Process
HHC902-05300531	03/18/1992	Memo with Attachment	Memo and draft instructions clarifying the coverage and reimbursement procedures for phlebotomy and case management type services associated with the drug Clozaril. (See HHC902-05150517, HHC902-05350535)	Hickman, William, HHS/HCFA	Director Office of Medicaid Policy	Office of Intergovernmental Affairs: Office of Issuances: Office of Medicaid Management: Office of the General Counsel: Bureau of Policy Development: Division of Medicaid Eligibility Policy; Office of Budget Administration			DP Deliberative Process
HHC902-05320532	03/5/1992	Handwritten Memo	Short response stating that the author agrees with "the changes" regarding coverage and reimbursement procedures for phlebotomy.	B.A. or B.L. (?)		Linda			DP Deliberative Process



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HHC902-0530535	Late 1991 - Early 1992	Routing Slip	Mostly handwritten notes listing the names of persons who reviewed SSM Part 4, Section 4580 changes and what changes were made to the document. (See HHC902-05150517, HHC902-05300531)	Joe Dulany					DP Deliberative Process
HHC902-05390540	09/5/1990	Memo	Memo in response to request for consultation by the Region IV Associate Regional Administrator, Division of Medicaid regarding a letter from the state of South Carolina regarding Clozaril.	Hickman, Bill HCFA	Director Office of Medicaid Policy	Associate Regional Administrator, Region IV, Atlanta	Division of Medicaid	Regional Administrator, Office of Field Operations; Office of Medicaid Management	DP Deliberative Process
HHC902-05410542	06/29/1990	Memo	Memo in response to request for consultation by the Region V Administrator, Division of Medicaid regarding review of a draft letter from the state of Minnesota to an individual concerning reimbursement for Clozaril.	Abato, Rozann, HHS/HCFA	Acting Director Medicaid Bureau	Regional Administrator, Region V, Chicago	Division of Medicaid	Regional Administrators ; Pete Rodler; Bob Nakielny	DP Deliberative Process
HHC902-05430544	05/8/1992	Memo	Memo requesting review and advice regarding Michigan's proposed program to distribute pharmaceuticals to Medicaid recipients through the mail.	DuPre, David, Region V HCFA	Chief, Medicaid Operations Branch Division of Medicaid	Medicaid Bureau/Office of Medical Policy	Medicaid Bureau, Office of Medicaid Policy		DP Deliberative Process
HHC902-05450547	02/19/1993	Memo	Response to memo regarding Medicaid Bureau's response to the Philadelphia Regional Office concerning Pennsylvania's proposal to contract with one pharmaceutical company to provide prescriptions by mail. Discusses The Medicaid Bureau's response and the applicable law the Regional Office must consider when evaluating this policy.	Abato, Rozann, HHS/HCFA	Acting Director Medicaid Bureau	Division of Medicaid Region II, New York	Associate Regional Administrator	Regional Administrators : Boston, New York, Philadelphia, Atlanta, Chicago, Dallas, Kansas City, Denver, San Francisco, Seattle	DP Deliberative Process

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HHC902-05630573	02/28/1991	Draft Memo with Attachments	Draft letter in response to congressional inquiry from James L. Oberstar's regarding a constituents question about a potential appeal process to contest reimbursement for purchase of brand name drugs. Discussed the applicable law and advised Congressman Oberstar of how to inform his constituent. [See HHC902-11351140]	N/A		N/A		Sizelove, Linda	DP Deliberative Process
HHC902-06460651 (Released 649)	06/28/1990	Memorandum with Attachments	Memorandum in response to request for clarification of HCFA policy relating to Estimated Acquisition Cost (EAC) and rebates from manufacturers. Memo clarifies the language in the regulation in light of the requesting party's initial understanding.	Abato, Rozann, DHHS/ Medicaid Bureau	Acting Director	Associate Regional Administrator, Region II		Rodler, Pete	DP Deliberative Process
HHC902-06680668	06/24/1992	Note	Response to request for policy clarification on Tennessee's interpretation of usual and customary charges as applied to outpatient drug reimbursement. Cites the relevant regulatory language and clarifies the Tennessee policy in question.	Salhus, Mary, DHHS/OGC		Nye, Christine			AC Attorney-Client, DP Deliberative Process
HHC902-06690670	03/5/1992	Note	Response to request for comments regarding a letter from the Associate Regional Administrator in Kansas City requesting clarification as to whether the State of Nebraska may lower dispensing fees of individual pharmacists who agree to accept a dispensing fee from an HMO or private insurance company which is lower than the state dispensing fee. Cites the applicable statutes and regulations pertinent to resolving this issue, and explains OGC's advice.	Salhus, Mary, HHS/OGC		Reed, Larry			DP Deliberative Process
HHC902-07040706	07/9/1993	Memo and Attachments	Notifies about Medicaid drug federal upper limit changes. Attachments details the MNPPB assignments and explains what changes were made.	Hickman, Bill					DP Deliberative Process

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HHC902-07150720	XX/XX/XXXX	Draft Letter (2 copies)	Request for additional or clarifying information regarding an amendment to the Arkansas Medicaid State Plan submitted under Transmittal No. 91-24 which revises the reimbursement methodology for prescribed drugs. Explains the specific line items that need additional or clarifying information, and states that the amendment cannot be fully processed until that information is received.	Hearn, Don, Program Operations Branch	Chief	Whitlock, Kenny, Arkansas Department of Human Services	Deputy Director		DP Deliberative Process
HHC902-07950800	mid-1997	Draft Memo w/ Attachments	Provides background on and transmits HHS report to Congress on the average wholesale price of drugs as mandated by Section 4556 of the Balanced Budget Act of 1997. Attachments include draft letters to various members of Congress introducing the report.	Min DeParle, Nancy-Ann	The Administrator, HCFA	Shalala, Donna	Secretary, HHS		DP Deliberative Process
HHC902-08200830	4/21/1992	Memo with Attachment	Memo and attached copy of a proposed response to a regional office regarding durational limits on the number of prescription drugs provided to residents of intermediate care facilities for the mentally retarded. Proposed response offers advice in accordance with the applicable regulations.	Nye, Christine	Director, Medicaid Bureau	Jaye, Bob DHHS/OGC		Dulaney, Joe	AC Attorney-Client, DP Deliberative Process
HHC902-08430843	03/15/1994	Note	Response to Ms. Chambers regarding her questions about HMO reimbursement rates. Provides two comments regarding the suggested interpretation of the applicable regulatory language.	Salhus, Mary, HHS/OGC		Gaston, Sue, HCFA			AC Attorney-Client
HHC902-08470848	02/18/1999	Form with Attachment	Form entitled "Center for Medicaid & State Opers Control." Contains handwritten notes as to who reviewed the issue of clarifying HCFA policy regarding dispensing physicians. Attachment is an email note from Pamela Luce to S. Gaston regarding the status of this inquiry.	Lenz, Thomas		CMSO	FCHP		DP Deliberative Process

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HHC902-08490849	01/29/1999	Memo	Response to request for clarification of HCFA policy regarding dispensing physicians. The note refers to an attachment not presently appended with this document.	Lenz, Thomas HCFA, Kansas City	Associate Regional Administrator for Medicaid State Operations	Richardson, Sally, HCFA	Director, Center for Medicaid and State Operations		DP Deliberative Process
HHC902-08530854	08/3/1996	Note	Response to inquiry regarding a complaint from the National Association of Retail Druggists and the National Association of Chain Drug Stores regarding new federal upper limits and reduced existing federal upper limits.	Aibel, Dan, HHS/OGC		Grinstead, Darrel			AC Attorney-Client, DP Deliberative Process
HHC902-08550860	7/15/1993	Form with Attachments	Form entitled Office of Executive Operations Control 930614-0114 regarding a new requirement for Medicaid reimbursement for a brand-name drug. Form includes the names of those who reviewed or worked on this issue and the date on which they received the assignment. Contains two attachments. First is a letter from Bruce Vladeck, Administrator, to M. West, Executive Vice President of the National Association of Retail Druggists responding to the latter's concern regarding a HCFA policy to reduce drug payments to pharmacies. The second attachment is a letter from Bruce Vladeck, Administrator, to Ronald Ziegler, President & CEO of the National Association of Chain Drug Stores similarly responding to the latter's concern regarding a HCFA policy to reduce drug payments to pharmacies.	Ziegler, Ronald		MB; OMP			DP Deliberative Process

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HHC902-08750877	02/1/1993	Memorandum	Request for additional information on various unresolved issues following a teleconference with state pharmacists regarding the federal upper limit list. Attachment is a list of 18 drugs and the corresponding federal upper limit, AWP unit cost, NE unit cost, unit rebate and net unit cost for each.	Abato, Rozann, HCFA	Acting Director, Medicaid Bureau	Associate Regional Administrator, Division of Medicaid, Kansas City		Regional Administrator Kansas City; Rodler. Pete; Reed; Abato, Rozann	DP Deliberative Process
HHC902-10051006	06/9/1987	Briefing Notes	Briefing notes regarding a final rule establishing two uniform but separate upper limits for states irrespective of the payment system they choose to utilize. Provides basic information regarding the purpose and projected effects of the final rule.	Lovechoi, T.					DP Deliberative Process
HHC902-10071010 (Released 1008-1010)	10/20/1987	Notes with Attachment	Debriefing of the October 14, 1987 meeting between HCFA and the Joint Commission of Pharmacy Practitioners (JCPP) regarding the implementation of changes to federal upper limits on payment for prescription drugs. Discussed the primary form and topics of the meeting, and listed an outstanding issue.	Lovechoi, Anthony					DP Deliberative Process
HHC902-10111061	08/10/1987	Memo with Attachment	Memo clearing the draft of a new regulation regarding specific upper limits for multiple source and other drugs (Part VI, Section 6305) in the Medicaid Manual. Attachment is the draft regulation itself.	Streimer, Robert; Buro, Kathy, HFCA	Director, Bureau of Eligibility, Reimbursement and Coverage	Director, Office of Issuances, OEO			DP Deliberative Process

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HHC902-10621067	08/00/1987	Article	Draft of an article by Don Newman entitled "Drug Topics." Specifically, the draft article addresses the new federal upper limits for payment of prescription drugs. The draft article discusses the overall goals of Medicare policy, the old regulations, and the new regulations. Handwritten comments and corrections appear on the draft article.	Newman, Don, DHHS; Shocsy, John, DHHS, IOS Public Affairs	Under Secretary	Lovecchio, Tony, HCFA			DP Deliberative Process
HHC902-10681070	1987-1988?	Memo	Memo regarding Mr. Lovecchio's letter to all state Medicaid directors concerning payment for schedule II drugs and suggesting how the letter should be modified.	Steinhouse, Edward, DHHS/OGC;	Deputy Chief Counsel	Lovecchio, Tony, DHHS/OGC	Director, Division of Alternative Reimbursement Systems		DP Deliberative Process, AC Attorney-Client
HHC902-10711071	1987-1988?	Letter - draft	Proposed text of a letter to be sent to state Medicaid directors from Bill Roper to clarify two issues in Medicaid drug reimbursement. Specifically, the draft letter clarifies questions regarding the inclusion of certain drugs in a new published final rule on the payments for drugs under the Medicaid program.	Roper, William, HCFA	Administrator		State Medicaid Directors		DP Deliberative Process
HHC902-10781089	09/28/1987	Speech	Draft of speech titled "The Complicated History of Medicaid Regulations on Drug Reimbursement." Discussion of regulations from 1975 to 1987. Discusses Dr. Helms' assessment of the new final rule.	Helms, Robert B.	Assistant Secretary For Planning and Evaluation				DP Deliberative Process

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HHC902-10901096	04/1/1988	Memo with Attachments	Memo provides comments following review of Arkansas Medicaid State Plan Amendment 88-05 in response to Region VI's request. Attachments include Region VI's original request for review and comments on the Arkansas SPA, and a draft letter with handwritten notes from the State Operations Branch to the Deputy Director of the Arkansas Department of Human Services Division of Economic and Medical Services requesting additional or clarifying information regarding the Arkansas SPA.	Booth, Charles, HFCA	Director, Office of Reimbursement Policy	Associate Regional Administrator, Financial Operations, RO VI		Regional Administrator	DP Deliberative Process
HHC902-11051106 (Released 1106)	11/3/1987	Draft Letter w/ Attachment	Draft letter in response to a Public Inquiry Request for Assistance from Michael A. Carbonne requesting that antibiotics and anticonvulsants be excluded from the new Medicaid rules governing upper limits of payment for certain multiple source drugs deemed therapeutically equivalent by the FDA.	Inquiries Staff		Office of Reimbursement Policy			DP Deliberative Process
HHC902-11071107	04/13/1988	Note	Comment to draft OEP response to Region X regarding Oregon Section 1915 (b) Waiver Request (contracting for pharmaceuticals goods and services). Also requests additional information about the waiver request.	Lovecchio, Anthony		Debbie Helms		Rodler, Peete; Underhill, Jim; Johnson, Bruce	DP Deliberative Process
HHC902-11171117	1987-1988?	Draft Letter	Proposed text of a letter to be sent to state Medicaid directors from Bill Roper to clarify two issues in Medicaid drug reimbursement in lieu of the new final rules regarding federal upper limits.	Roper, William,	Administrator	State Medicaid Directors			DP Deliberative Process
HHC902-11241125	1987-1988?	Draft Letter	Formal request for additional information regarding State Plan Amendment 88-3, "Upper Payment Limits for Prescribed Drugs." Includes a detailed list of the information requested.	Shulman, Theodore	Associate Regional Administrator, Division of Program Operations	Perales, Cesar, New York State Department of Social Services	Commissioner		DP Deliberative Process

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HHC902-11351140 (Released 1138-40)	02/28/1991	Draft with Attachments	Draft letter in response to congressional inquiry from James L. Oberstar's regarding a constituents question about a potential appeal process to contest reimbursement for purchase of brand name drugs. Discussed the applicable law and advised Congressman Oberstar of how to inform his constituent. Attached is the request for assistance by a Congressional Inquiry. [See HHC902-05630573]	Oberstar, James		N/A		Sizelove, Linda; Sciulli, M.	DP Deliberative Process
HHC903-00010007 (Released 1, 4, 6-7.)	07/17/1995	Letter	Draft Language for use in Response to Senator Max Baucus on Behalf of Dr. Thomas C. Olson; Discussion of payment for drug Bellergal.	Pharmacy team	CMSO	Baucus, Max	Senator		DP Deliberative Process
HHC903-00080022	07/11/1994	Memo with/attached draft OIG report	Subj: Medicare Part B - Reimbursement to Providers for Drugs Used in Conjunction with Durable Medical Equipment (DME); Evaluation of policies regarding reimbursement for drugs used with DME, and recommendations to carry forth said policies.	Brown, June Gibbs	Inspector General, HHS	Viadeck, Bruce C.	Administrator, HCFA		DP Deliberative Process
HHC903-00230026 (Released 26)	9/21/1990	Letter	Draft language for use in responding to Congressman Jim Bunning who wrote on behalf of Mr. Richard E. Murray; Explanation of regulations establishing limits and criteria on FDA evaluated therapeutically equivalent generic drugs.	E. Faulk	Medical Bureau/ HHS	Bunning, Jim	Congressman Congressman		DP Deliberative Process
HHC903-00270027	07/30/1990	Note	Discussion of ASPE Comments on Letters to Senator Heinz and Spector regarding aggregate upper limits for drug prices.	Abato, Rozann	HCFA	Executive Sectariat	HCFA		DP Deliberative Process
HHC903-00280028	7/26/1990	Clearance Sheet	Sec Sig to Henry/Spector - Prescription Drugs; reference to ASPE's and Boyd's comments			MB			DP Deliberative Process
HHC903-00290029	07/25/1990	Letter	Heinz Letter on Medicaid Drug Payments; revision requested with additional information	Boyd, Anna for Kerr, Eleanor		Somsak, Joyce			DP Deliberative Process



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HHC903-00300034	07/19/1990	Memo w/attached letters	Draft Letters to Senator Heinz and Spector regarding Medicaid prescription drug pricing and aggregate upper limits--Concurrence with Comment; instructions on content of letter and statement of policy on pricing; suggestions on revisions for letter	Gerry, Martin H.	Assistant Secretary For Planning and Evaluation, HHS	Kerr, E.	Executive Secretariat		DP Deliberative Process
HHC903-00350045 (Released 37-45)	7/12/1990	Draft letter with attachment	Suggested Language for Response to Senator Thurmond on behalf of his Constituent, John W. McGee, R. PH, regarding the federal Medicaid policy as applied to pharmacies using Average Wholesale Prices under state Medicaid programs	Faulk	Medical Bureau/ HCFA	Senator Thurman			DP Deliberative Process
HHC903-00460049	07/13/1990	Draft Report	Brief Overview of the Federal Medicaid Prescription Drug Program; states' payment methodologies as applied to multiple source drugs and for all other drugs	Rodler, Pete	Medicaid Bureau				DP Deliberative Process
HHC903-00530055	04/20/1990	Short Note	Discussion of whether States are allowing Therapeutic Substitutions for Drugs and the usage of average wholesale prices; approval/disapproval of various state plans	Abato, Rozann		Wilensky, Gail		Hickman, Bill	DP Deliberative Process
HHC903-00560058	07/11/1990	Memo with attachment	Notifications to States Regarding Drug Items subject to Specific federal Upper Limits (42 CFR 447.332); Discusses process in issuing notices of FDA drug reclassifications modifying upper limits;	Abato, Rozann	Acting Director, Medicaid Bureau	McDonough, Lawrence L.	Region Administrator, Region IX, San Francisco, Division of Medicaid		DP Deliberative Process
HHC903-00590061	07/10/1990	Report	SECBRIEF re: Reimbursement methodologies dealing with a state's determination of "estimated acquisition cost".	Rodler P/Rotter N					DP Deliberative Process

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HHC903-00620065	10/7/1993	Letter	Draft Language to use in response to Representative Christopher Shays on Kwell; DESI review on safety and effectiveness of drugs	Weaver, R		Shays, Christopher	Congressional Representative		DP Deliberative Process
HHC903-00670070	02/25/1994	Memorandum	Legal basis for a state's request for a refund of Federal Financial Participation (FFP) for Less Than Effective (LTE)/Idential Related or Similar (IRS) drugs	Salhus, Mary	OGC/HCF				AC Attorney-Client, DP Deliberative Process
HHC903-00740081	02/12/1987	Note and attachments	Medicaid Drug Payment policy to replace the inactive Maximum Allowable Cost (MAC) program and promote State flexibility in administering Medicaid;	Anthony, C., Ross,	Ph.D., HCFA		The Administrator		DP Deliberative Process
HHC903-00820083	08/9/1987	Draft Briefing Notes	Limits on Payments for Drugs - Medicaid - Final Rules which would establish uniform but separate upper limit standards for States irrespective of the payment system they choose to utilize	Lovecchio, T.					DP Deliberative Process
HHC903-00840089	12/22/1986	Draft Memo	Overview of the Notice of Proposed Rulemaking (NPRM); discussion of Maximum Allowable Cost (MAC) program, Pharmacists' Incentive Program (PhIP), and Competitive Incentive Program (CIP)	Rodler, Pete					DP Deliberative Process
HHC903-00900090	XX/XX/XXXX	Short Report	Additional Statement of Policy regarding adoption of a formula approach for setting upper limits for multiple source drugs						DP Deliberative Process
HHC903-01030110	08/11/1988	Memo	Drug Reimbursement Reform Regulations as applied to Maximum Allowable Cost (MAC) program, Pharmacists' Incentive Program (PhIP), and Competitive Incentive Program (CIP); state plan process	Rodler, Pete					DP Deliberative Process

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HHC903-01110114	02/18/1987	Draft Memo with attached note	Discussion of Medicaid Drug Payment system that States would be required to follow, and of the Maximum Allowable Cost (MAC) program, Pharmacists' Incentive Program (PhIP), and Competitive Incentive Program (CIP).	Roper, William L	Administrator, HCFA		The Under Secretary, HHS		DP Deliberative Process
HHC903-01180019	2/22/1987	Note	Short note of Medicaid Drug Payment system that States would be required to follow, and of the Maximum Allowable Cost (MAC) program, Pharmacists' Incentive Program (PhIP), and Competitive Incentive Program (CIP).	Anthony, C. Ross,			The Administrator, HCFA		DP Deliberative Process
HHC903-01200121	12/30/1986	Short note and handwritten attachment dated 12/29	Drug Reimbursement in response to a subject memorandum regarding meetings with State Medicaid officials. Purpose of meeting was to obtain feedback grading administrative costs associated with implementation of CIP.	Anthony, C. Ross,	Ph.D., HCFA	Kuzmich, Paula	AAEA		DP Deliberative Process
HHC903-01220124	12/22/1986	Note with attached memo	Report of a meeting convened to discuss the Competitive Incentive Program (CIP) as part of the drug reimbursement policy	Anthony, C. Ross, Ph.D	Associate Administrator for Program Development/HCFA	Streimer, Robert			DP Deliberative Process
HHC903-01250133	Approximately 1986.	Note and attachments	Analysis of Medicaid Drug Reimbursement Alternatives; identification of approved drugs for policy limits; state-by-state baseline, and information on drugs and drug volume	Streimer, Robert A		Boggs, Judy			DP Deliberative Process
HHC903-01340137	12/12/XXXX (either 1986 or 1987)	Memo	Decision on how to proceed with Pharmaceutical Payment Reform for the Medicaid program; summary of the majority of the comments received pursuant to Notice of Proposed Rulemaking	Anthony, C. Ross, Ph.D	Associate Administrator for Program Development		The Administrator		DP Deliberative Process
HHC903-01390143	02/24/1987	Memo	Final Regulation on Medicaid Prescription Drug Payment Policy; background on the issue of measuring individual state drug payment policies with a recommendation for the final regulation and inclusion of an unresolved issue regarding the monitoring of state compliance	Helms, Bob		Note To The Under Secretary		Roper, Bill	DP Deliberative Process

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HHC903-01440148	08/22/1986	Note with handwritten notation and attachments	Briefing Materials on Medicaid Prescription Drug Regulations (BERC-356-P) for the State Medical Group (SMG) Meeting September 15, 1986; discussion of proposed rules and their alternatives for comment for the purpose of establishing prescription drug reimbursement methodology	Lovecchio, Tony			BERC ES	Booth, Chuck	DP Deliberative Process
HHC903-01500154	03/6/1987	Draft Regulation	Draft at a full specification of the final rule, Medicaid Drug Reimbursement, with pointed reference to payment limits for certain drugs	Francis, Walt	HHS/Office of the Secretary	Lovecchio, T			DP Deliberative Process
HHC903-01550173	XX/XX/XXXX	Handwritten Draft	Medicaid Drug Reimbursement Reform containing background information from a 1983 task force, drug price competition and patent term extension, and OIG report; also contains Draft Proposed Rules and analysis of alternative programs						DP Deliberative Process
HHC903-01740174	02/4/1987	Memo	Medicaid Drug Payment Policy: Discussion of establishing Medicaid upper limits for generic drugs.	Anthony, C. R., Ph.D.	Associate Administrator for Program Development, HHS, HCFA		The Administrator		DP Deliberative Process
HHC903-01750237	02/5/1987	Note and attachment	Detailed analysis of Medicare Prescription Drug Regulation and Medicaid Drug Reimbursement Proposals; recommendation for best choice in view of report and other considerations	Lovecchio, T.		Booth, Chuck			DP Deliberative Process
HHC903-02380257	01/28/1986	Report and note dated 01/08/1986	HCFA Medicaid Prescription Drug Reform; budget data; current policy; regulatory proposal; reinstitution of the MAC program; addendum to specifications of PhIP/CIP/MAC regulations; provisions or changes to previously published provisions	Streimer, R. A.		Kelly, Carol			DP Deliberative Process

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HHC903-02580326	11/21/1984	Memo	Decision regarding Federal Prescription Drug Enforcement Policies governing reimbursement; presentment of policy options and program changes recommended by the Task Force	Helms, Robert B, Ph.D.	Acting Assistant Secretary for Planning and Evaluation	The Secretary			DP Deliberative Process
HHC903-03290332	4/28/1986	Note and attachments	HCFA Drug Program - Data Needs and Time Frames for Step Completions, to reestablish current MAC program, to review MAC program to reflect DHHS Task Force recommendations, and to establish PhIP limits	Streimer, Robert		Boggs, Judy			DP Deliberative Process
HHC903-03730385	2/2/2001	Summary with attachments	Discussion of TAP litigation and payment for Lupron.	Attachment from Winkler, Susan AUSA					WP Work Product/ AC Attorney Client
HHC903-04580461	08/14/1997	Memo	Significant Activities for the Week Ending August 8, 1997: detailing items of interest, significant activities for the administrator, meetings with particular entities and contact info. Includes discussion of TAP litigation.	Fried, Bruce Merlin	Director, Center For Health Plans and Providers	The Administrator			DP Deliberative Process
HHC903-05140519	XX/XX/XXXX	Memo	Requirements for drug Vancomycin infusion; drug coverage and clinical rationale; recommendations for administration; clinical alternatives	Jewell, Kay, MD		Bonander, Larry; Rutemueller, Walt; Robinson, Chester; Hoyer, Tom			DP Deliberative Process
HHC903-05200523	03/6/1997	Draft	Coverage issues - Durable Medical Equipment; covered and non-covered indications for treatment using infusion pumps						DP Deliberative Process
HHC903-05240525	05/23/1995	Short Note	May 18 Meeting with OPTIVITA representatives and their general recommendations regarding Vancomycin and coverage of external infusion on pumps	Jewell, Kay		Robinson, Chester, Rutemueller, Walt; Bonander, Larry			DP Deliberative Process

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HHC903-05260537	05/24/1995	Memo	Medicare Coverage of Vancomycin as part of a Durable Medical Equipment (DME) Benefit; background on infusion pumps; discussion of the DMERC medical review policy on external infusion pumps; and options for coverage	Robinson, Chet; Rutemueller, Walter; Bonander, Larry		Hoyer, Tom			DP Deliberative Process
HHC903-05380540	04/18/1995	Memo	HCFA reimbursement For Home Use of Vancomycin & CDC Recommendations for Preventing the Spread of Vancomycin Resistance	EIS Officer, IBP, HIP< & NCID (Public Health); Bonander; Robinson, Chet					DP Deliberative Process
HHC903-05430547	05/24/1995	Memo (Revised)	Vancomycin (Coverage Issue); drug requirements and methods for safe infusion of drug; clinical rationale and recommendations for safe administration	Jewell, Kay	MD	Bonander, Larry; Rutemueller, Walt; Robinson, Chester; Hoyer, Tom			DP Deliberative Process
HHC903-05480555	05/23/1995	Memo	Vancomcin and coverage of external infusion pumps; pump requirements DMERC requirements as applied to beneficiaries with respect to alternate items or pumps	Jewell, Kay		Robinson, Chester; Rutemueller; Walt; Bonander, Larry			DP Deliberative Process
HHC903-05560568	05/24/1995	Memo	Vancomycin Coverage of external infusion pumps; pump requirements; DMERC requirements for safe administration; effectiveness of alternate pump	Jewell, Kay	M.D.	Bonander, L; Rutemueller, W.; Robinson, C.; Hoyer, T			DP Deliberative Process
HHC903-05690573	XX/XX/XXXX	Draft	Medicare Carrier Manual Re: Coverage Issues; suggested revisions for infusion pumps	Walt		Sharon			DP Deliberative Process
HHC903-05740583	09/10/1993	Fax and attachments to Anne Marie Hummell from Sarah Frances	Request for legal Opinion on Coverage of Outpatient Prescription Drugs Used in Conjunction with Durable Medical Equipment	Chase, Lisa	OGC/OIG	Reeb, George M.	Assistant Inspector General for Health Care Financing Audits	Morris, Lewis, Deputy Associate General Counsel	AC Attorney-Client

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HHC903-05870594 (Released 593-594)	10/1/1993	Draft	Medicare Carrier Manual on Infusion Pumps; covered and non-covered indications for treatment using infusion pumps; letter summarizing salient points in discussion with recommendation for a clarification to the Medicare coverage policy for infusion pumps	Schatz, Gordon S.	Reed, Smith, Shaw & McClay	Hummell, Anne Marie, Director	Division of Medical Services Coverage Policy, HCFA	Wren, Robert E.; Goetzke, Gary A.	DP Deliberative Process
HHC903-05950595	08/8/1995	Proposed Criteria	Proposed Criteria for Medicare Coverage of IV Infusion Pump; basic requirement for administration of drug with respect to patient's condition						DP Deliberative Process
HHC903-05960598	05/30/1995	Fax cover sheet with short attached memo	Usage of Vancomycin CDC's determination of an effect on resistant strains	Oleck, Adrian M., M. D.	Administar Federal	Rutemueller, Walt		Huges, Paul, M.D.; Zone, Robert M.D., Majors, Elizabeth;	DP Deliberative Process
HHC903-05990601	10/27/1994	Memo	Re: OIG Draft Report: " Medicare Part B Reimbursement to Providers for Drugs Used in Conjunction with DME" (a-06-0079); Additional comments refining/furthering concurrence with Administrator's memo	Steinhouse, Edward		Ault, Tom			DP Deliberative Process
HHC903-06060640	05/11/1990	Memo and attached report	Response to a request from HCFA to the Public Health Service's Agency for Health Care Policy and Research to conduct an assessment on the safety and clinical effectiveness external insulin infusion pumps for the treatment of diabetes mellitus (Coverage Issue)	Holohan, Thomas V., M.D	Director, Office of Health Technology Assessment		Director, BPD/HCFA; Clinton, J. Janette, Acting Administrator, AHCPH		DP Deliberative Process
HHC903-06410649	04/5/1993	Note with attached report	Review of issues surrounding current Medicare coverage and payment of services related to Home Drug Infusion Therapy; trends in utilization; overview of questions raised by current policies with some recommendations to approach certain issues; discussion of Medicare reimbursement/current payment methodology (Coverage Issue)	Collins, Dorothy Burk		Buto, Kathy; Ault, Tom		Booth, Chuck; Wren, Bob	DP Deliberative Process
HHC903-06500650	08/14/1996	E-mail	Coverage of Insulin Infusion Pumps	Hoyer, T.		Buto, K.		Ault, T; Robinson, C.; Feinberg, L.	DP Deliberative Process

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HHC903-06530655	03/1/1996	Draft letter	Revised Language for response to Congressman Sam Gejdenson on behalf of Theodore A. Spanos; discussion of infusion pumps, coverage of self-administered drugs and coverage of home health services (Coverage Issue)			Siebert, Dennis			DP Deliberative Process
HHC903-06560657	2/26/1996	Draft Letter	Response to inquiry regarding Medicare Coverage; cancer drugs and treatment; coverage of home health services (Coverage Issue)	Smits, Helen L., MD	Deputy Administrator	Gejdenson, Sam, House of Representatives	The Honorable		DP Deliberative Process
HHC903-06580660	XX/XX/XXXX	Draft	Medical Carrier Manual on Coverage issues - Durable Medical Equipment 60-14 (handwritten); covered and non-covered indications for treatment using infusion pumps						DP Deliberative Process
HHC903-06610672	XX/XX/XXXX	Draft	Clarification of Medicare Coverage Policy for External Infusion Pumps for Insulin with Attached 3/26-27 Minutes;						DP Deliberative Process
HHC903-06730676	08/24/1992	Draft	Carrier's Proposed Policy on Medicare Coverage of Infusion Therapy (Memorandum from Gene Hyde, Dated May 20, 1991) -- Information on coverage requirements;	Buto, K.	Director, Bureau of Policy Development, HCFA		Regional Administrator, Kansas City	Tigman, Joe; Hyde, Gene; R. B.	DP Deliberative Process
HHC903-06780679	09/16/1986	Memo	Medicare Coverage of Drug Delivery Systems--Assessment of what drug/treatment/device combinations should be focused upon	Buto, K	Acting Deputy Director, Bureau of Eligibility, Reimbursement and Coverage		Director, Office of Health Technology Assessment		DP Deliberative Process
HHC903-06850698	11/12/1991	Memo and attachments	Coverage of Drugs used with Durable Medical Equipment (responding to Memorandum from Bunnee A. Butterfield, Dated October 4, 1991re: clarification of coverage policy)-- INFORMATION	Buto, K.	Director, BPD		Regional Administrator, Seattle; Acting Associate Regional Administrator for Medicare		DP Deliberative Process



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HHC903-06990701	08/27/1993	Memo and attachment	Discussion of audit, "Self-Administered Outpatient Drugs Used with Nebulizers - Medicare Part B ' (A-06-92-000790)	Streb, John A.	Director, Management Planning and Analysis Staff, OBA	HCFA	HCFA Leadership		DP Deliberative Process
HHC903-07020710	5/19/1993	Fax transmittal with attachment	Home Health DME Benefit - Coverage of External Infusion Pumps Including Necessary Supplies, Drugs and Biologicals (Draft)	McKeown, Robert A.	Senior Vice President, Medicare operations & Provider Services		Chief Executive Officers of Home Health Agencies for which Independence Blue cross is Medicare Intermediary		DP Deliberative Process
HHC903-07110720	9/9/1993	Note and attached briefing materials	Briefing Materials for Hearing on Coverage of Home Infusion Therapy, House Energy and Commerce Subcommittee on Oversight and Investigation, September 9, 1993	Wren, B.		Zutell, Joyce			DP Deliberative Process
HHC903-07310732	10/18/1993	Draft HCFA response with handwritten notations	Page 2 of a draft HCFA Response regarding DMERC servicing of the National Supplier Clearinghouse (Coverage Issue)					Thomas, John	DP Deliberative Process
HHC903-07330737	11/2/1993	Memo and drafts	Agency Comments on OIG Final Report, "Medicare Home Infusion Therapy" (OEI-02-92-00420) (Coverage Issue)	Kavanagh, Gary P.	Deputy Director, BPO, HCFA	Attn: Greene, V.	Director, Office of Budget and Administration	Director, OCFM; Director, OMBA	DP Deliberative Process
HHC903-07380738	11/XX/1993	Memo	Giving opinion of one component to another component of HCFA regarding OIG Final Report: Medicare Home Infusion Therapy.	Gagel, Barbara J.	Director, Health Standards and Quality Bureau		Director, Office of Budget and Administration		DP Deliberative Process
HHC903-07390739	XX/XX/XXXX	Note	OIG Final: Medicare Home Infusion Therapy -- OIG-02-92-00420. A component of HCFA gives its comments on the final OIG report.	Gustafason, Thomas A.	Acting Director, Office of Legislation and Policy	Green, Vicki			DP Deliberative Process
HHC903-07400748	05/8/1995	Handwritten letter and attachment	January 13, 1995, DMERC Medical Draft Policy for notice and Comment re: External Infusion Pumps (Coverage Issue)	Larry		Chester		Walt, Kay	DP Deliberative Process
HHC903-08070810	03/19/1997	Draft	Draft language for use in reply to Congressman Ballenger's Inquiry on behalf of David Hardaway, M.D. Discussion of Medicare payment for Zoladex.	Niemann, R.		Ballenger, Cass	Congressman		DP Deliberative Process
HHC903-08110811	04/7/1997	Draft	Draft language for response to Senator Cinrad'd inquiry on behalf of the concerns of Dr. Patrick Stoy. Discussion of payment for drugs albuterol and itatropium.						DP Deliberative Process
HHC903-08120812	XX/XX/XXXX	Revised Language	incorporating revised language and revisions re:Partial Denials language for MCM section 7340. Discussion of coverage of item or service.	Rutemueller, W.; Bonander, L.; Milhorn, Ron; Niemann, B.					DP Deliberative Process

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HHC903-08130821	07/29/1997	Draft	Draft Comments of Different HCFA components re: OIG Draft Report OEI_03-9700290 "Excessive Medicare Payments for Prescription Drugs"	Wynn, Barbara O.	Director, Plan and Provider Purchasing Policy Group, CHPP, HCFA	Management Analysis and Planning Staff, OFHR			DP Deliberative Process
HHC903-08220825 (Released 823-825)	06/20/1997	Draft	Draft language for use in reply to Peggy Haug re: Medicare Reimbursement rates for Lupron and Zoladex	Karplak, Sonya; Nieman B.		Haug, Peggy			DP Deliberative Process
HHC903-08350840 (Released 835, 837-840)	05/2/1996	Draft	Response to Congressional Inquiry by Karen Thurman regarding payment for Lupron and Zoldex.	Schumaker, B.		Sheingold, S.			DP Deliberative Process
HHC903-08410845 (Released 842-45)	05/3/1996	Draft	Draft language for reply to Congressman David Mingle re: Medicare Payment for Influenza vaccine	King, Cheryl, Office of Correspondence; Nieman, R.		Mingle, David	Congressman		DP Deliberative Process
HHC903-08460850 (Released 847-850)	05/15/1996	Draft response to citizen's inquiry re: Medicare Payment Policy for Drugs	Draft language for reply to Ronald Grousky. Discusses how much a provider can charge a beneficiary for drugs.	Shaw, M., Office of Correspondence; Nieman, R.		Grousky, Ronald	Congressman		DP Deliberative Process
HHC903-08780883	04/11/1988	Draft	Draft language for use in responding to Congressman Herbert Bateman's inquiry to reimbursement for chemotherapy on a reasonable charge basis.	Hayes, D., Inquiries Staff; Moore, Pat		Bateman, Herbert H.	Congressman		DP Deliberative Process
HHC903-08840893	11/22/1987	Draft	Draft language for use in response to Senator Howell Heflin's inquiry re: Medicare payments for Estradurin drugs on a reasonable charge basis.	Almquist, Pauline, Inquiries Staff; Moore, Pat		Heflin, Howell	Senator		DP Deliberative Process
HHC903-08940904	03/30/1994	Email and attachments	discussing how HCFA should interpret and use pricing data to determine AWP	Mirabal, Joe	Reimbursement Specialist, HCFA, New York City	Weintraub, Stanley	HCFA COM		DP Deliberative Process
HHC903-09050911	03/22/1994	Email and attachments	Discussing how to determine acquisition costs of drugs for Medicare reimbursement.	Mirabal, Joe	Reimbursement Specialist, HCFA, NYC	Weintraub, Stanley	HCFA COM		DP Deliberative Process
HHC903-09120912	02/25/1994	Note	Comment on draft instructions for determining acquisition costs of drugs.	Streimer, S. H.	HCFA	Booth, Charles			DP Deliberative Process
HHC903-09170917	04/12/1994	Memo	comments on AWP calculations re: oncology drugs. Discusses how often they believe AWP data should be updated by regional carriers.	Streimer, S. H.		Booth, Charles			DP Deliberative Process

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HHC903-09180930 (Released 918-924)	7/3/1990	Memo	Memo discusses HCFA instructions to carriers and intermediaries regarding drug pricing. Recommends approach for instructing carriers in the future regarding payment policy.	MJ Christenberry	Associate Regional Administrator, Dallas Region, Division of Medicare	Kathleen Buto			DP Deliberative Process
HHC903-09340950	2/22/1994	Memo and attachments	Memos with handwritten notes discussing Lupron expenditures for years 1990 thru 1994 inclusive. Includes other draft memoranda explaining Medicare drug reimbursement.	Booth, Charles, HFCA	Director, Office of Payment Policy	All Associate Regional Administrators for Medicare			DP Deliberative Process
HHC903-09510953	08/12/1992	Fax cover sheet from John Gradowski to Stan Weintraub dated 10/20/92 with a 2-page memo	Attaching memo re:Calculation of the Average Wholesale Price for Drugs. Discussing carrier suggestions regarding drug pricing.	Benz, Albert	Associate Regional Administrator, Division of Medicare, HFCA, Seattle RO X		Director, Office of Program Operations Procedures, BPO		DP Deliberative Process
HHC903-09540957	01/24/1994	Draft	Memorandum to all ARAs on Determination of Acquisition Cost of Drugs with handwritten notes	Stan		Bernie			DP Deliberative Process
HHC903-09580960	XX/XX/XXXX	Draft	redlined draft Memorandum to all ARAs on Determination of Acquisition Cost of Drugs			All ARAs For Medicare			DP Deliberative Process
HHC903-09660974	2/1/1994	Draft	Discussing different alternatives to help carriers determine Acquisition Cost of Drugs			All ARAs For Medicare			DP Deliberative Process
HHC903-09750983	08/12/1992	draft	Routing sheet attaching draft proposal from Seattle Ro regarding alternative calculation methods for AWP	Butterfield, Bunnee for Benz, Albert J.	Associate Regional Administrator, Division for Medicare, HCFA, Seattle RO X		Director, Office of Program Operations Procedures, BPO		DP Deliberative Process
HHC904-00010046 (Released 0008-42)	04/13/1992	Memo	Review of Proposed Texas' Disallowance of Medicaid Payment for less than effective drugs.			McNally, Dave			DP Deliberative Process

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HHC904-00470058	01/9/1994	Note w/attachments	Report of contact with Robin Schneider re: potential anti-kickback violation by drug company involving replacement devices to practitioners who treated Medicaid beneficiaries.	Gaston, Sue						DP Deliberative Process
HHC904-00590073	10/3/1990	Memo and attachments	FDA Comments on OIG's Report, " The DHHS Enforcement of Regulations Prohibiting Medicaid Payments for Less-Than-Effective Drugs" July 1990	Holston, Sharon Smith	Associate Commissioner for Management and Operations, FDA	Director, Office of Management, OASH				DP Deliberative Process
HHC904-00740075	10/31/1994	Note	responding to request for legal opinion Re: Formulary Restrictions Based on Age Criteria.	Salhus, Mary	OGC/HCFD	Gaston, Sue				DP Deliberative Process, AC Attorney-Client
HHC904-00760080	07/7/1994	Memo and attachments	Discussing Legality of Colorado implementing online claims system and charging Transaction Fee to Pharmacist with attachments	Gaston, Sue						AC Attorney-Client, DP Deliberative Process
HHC904-00810082	08/21/1990	Memo	discussion of OGC Opinion Regarding Waiver request concerning Provider Agreement and Direct Payment Issues	Hickman, William L.	Director , Office of Medicaid Policy					DP Deliberative Process
HHC904-0083-0089	01/23/1990	Memo	Legal opinion of Proposed Tennessee arrangement for home and community based service payments	Fisher, Barbara, Attorney	HHS/Office of the Secretary/OGC	Buto, Kathleen A.	Director, BPD			DP Deliberative Process, AC Attorney-Client
HHC904-00900116 (Released 091-115)	09/7/1989	Request for information and attachments	Response from State of Tennessee to HCFA Request for Additional Information re: HCBS Adult MR Waiver in the State of Tennessee							DP Deliberative Process
HHC904-01170120	11/6/1991	Memo and attachments	Request for legal opinion re: Cost Savings of Requiring Nursing Homes to Purchase their pharmaceutical supplies from a single state selected wholesaler- Action	Hickman, W. L.	Director, Office of Medicaid, Policy	Jaye, Bob	Office of the General Counsel, HHS			DP Deliberative Process AC Attorney Client
HHC904-01450154	XX/XX/XXXX	Letters and attachments	Draft response to letter re: Oregon's state plan amendment to redefine the state's EAC for drugs from AWP minus 14 percent to AWP minus 15 percent.	Smith, Dennis G.	Director	Coster, JohnM., Ph.D., R., PH.	Vice President, Policy and Programs, National Association of Chain Drug Stores	Garza, Maria, Seattle Regional Office		DP Deliberative Process

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HHC904-01790181	XX/XX/XXXX	Draft letter	Draft response to letter re: 2/11/03 update to federal Upper Limit List for generic drugs	Reed, L	Co-Director, Pharmacy Team, CMS	Costar, J. M., PH.D., R. Ph.	Vice President, Policy and Programs		DP Deliberative Process
HHC904-01820191	11/7/2002	Draft report and handwritten notes	Discussing Options for Obtaining Better Drug Pricing Data for Both Medicaid and Medicare to obtain AWP figures						DP Deliberative Process
HHC904-06000601	XX/XX/XXXX	Draft Report and attachments	Discussing proposed recalculation of Medicaid rebate formula, specifically addressing Medicaid pharmacy reimbursement. Also contains discussion of FUL.						DP Deliberative Process
HHC904-06020602	03/13/2003	Email	Requesting approval & effective date of Oklahoma SPA authorizing state's prior authorization program			Pelter, Cindy		Blunt, Ford; Glaspie, Shirley	DP Deliberative Process
HHC904-06030606	XX/XX/XXXX	Draft memo	Subject:Determination of Medicaid Prescription Drug Estimated Acquisition Cost (EAC); Discussing generally, state plan amendment requests that propose to change reimbursement methodology and how to analyze these state plans.		Director, Family and Children's Health Program Group		Director, Center for Medicaid and State Operations		DP Deliberative Process
HHC905-10831599	XX/XX/XXXX	Report	Appendix II Top 60 Drug Data, Final Report on the "Prices Established by the Private and Public Sectors for Drugs Also Covered Under Medicare Part B"	Jing Xing Technologies, Inc					DP Deliberative Process
HHC906-00010002	1/23/2002	Memo -	Decision Memo - Discussion of Carrier investigations of payment for Lupron (HCPCS Code J9217)						DP Deliberative Process
HHC906-00150018	6/12/2002	Letter w/attachment	letter w/e-mail chain re: Discussion of overpayment collection regarding Lupron.	Weinerman, Ernest		Foster, Robert			DP Deliberative Process
HHC906-00190022	5/10/2002	Letter w/attachment	letter w/e-mail chain re: Discussion of overpayment collection regarding Lupron.	Weinerman, E.		Schilling, P. G.	Blue Cross Blue Shield, Arkansas	Branch Chief	DP Deliberative Process
HHC906-00230029	4/22/2002	Letter w/attachment	Letter w/e-mail chain requesting information regarding study of payment for lupron	Weinerman, E.		Patricia G. Schilling			DP Deliberative Process

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HHC906-00300038 (Released 0034)	5/22/2002	e-mail w/attachments	Letter w/e-mail chain requesting information regarding study of payment for Lupron	Weinerman, E.		Yablon, M. X.			DP Deliberative Process
HHC906-00390045	5/23/2002	Letter w/attachment	requesting guidance on reviewing the top 20 physician billers of Lupron in Missouri	Weinerman, E.		Karpoff, G. W.	Blue Cross Blue Shield, Arkansas		DP Deliberative Process
HHC906-00460050	4/25/2002	Email and attachment	Letter w/e-mail chain requesting information regarding study of payment for Lupron	Weinerman, E.		Ziegler, Sonia			DP Deliberative Process
HHC906-00510054	3/25/2002	Email	letter w/e-mail chain re: Discussion of overpayment collection regarding Lupron.	Weinerman, E.		Hatcher, Sheila			DP Deliberative Process
HHC906-00900098 (Released 0090-91)	06/17/1991	Memo and attachment	Medicare Drug Pricing (Your memo dated July 3, 1990); Discussing NPRM not to include drugs in the Physician Fee Schedule and pay for drugs at AWP minus 15% discount.	Buto, K. A.	Director, Bureau of Policy Development		Associate Regional Administrator, Division of Medicare, Dallas		DP Deliberative Process
HHC906-00990165	11/17/1998	Fax and attachment	Attaching draft of Change Request # 745-Implementation of 1999 Payment Limit for Medicare Drugs. Also contains handwritten notes and other draft memoranda leading up to publication of this change request.	Shaver, Carrie		Vogel, Mark			DP Deliberative Process
HHC906-01660171 (Redacted portions on 170)	06/13/1991	Memo and attachment	Request for Guidance on Limiting the Charge for Drugs/ Biologicals provided by Physicians (Your memo dated 11/8/90) [copy of HHC903-08650868	Buto, K. A.	Director, Bureau of Policy Development	Chief, Carrier Operations Branch	Associate Regional Administrator, Region V, Chicago		DP Deliberative Process
HHC906-01870192	11/6/1996	Typewritten notes	Notes of conference call re: AWP pricing and RVU's (Relative Value Units)						DP Deliberative Process
HHC906-02230227	XX/XX/XXXX	Memo	Draft of comments to Michigan State Plan Amendment 01-015 (draft) regarding reimbursement and supplemental rebate calculation.	Reed, Larry	Director, Division of Medicaid and State Operations, CMS, HHS		Associate Regional Administrator, Division of Medicaid, Region V, Chicago		DP Deliberative Process
HHC906-02400240	XX/XX/XXXX	Notes	Handwritten notes re: Supreme Court request for HHS to express views on Maine issues.						DP Deliberative Process

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HHC906-02490950	12/18/1995	Memo with handwritten notes	Draft of Wisconsin State Plan Amendment (SPA 95-026, 95-027, 05-028) Request for Additional Information. This SPA proposes new reimbursement methodology for medication management services.	Wardwell, Robert	Director, Office of Medical Services, Medicaid Bureau		Associate Regional Administrator, Division of Medicaid, Region V.	Regional Administrator, Division of Medicaid, Region V.	DP Deliberative Process
HHC906-02510254	10/2/1995	Letter	Draft of Wisconsin State Plan Amendment (SPA 95-026, 95-027, 05-028) Request for Additional Information. This SPA proposes new reimbursement methodology for medication management services.	Rinaldo, Lucille M.	Health Insurance Specialist, Division of Medicaid and Managed Care Programs	Piper, Kevin	Director, Bureau of Health Care Financing, Wisconsin Department of Health and Social		DP Deliberative Process
HHC906-02920296	12/10/1997	Email	Attaching draft of language to be used in response to inquiries regarding the issue of least costly alternative and payment for Lupron and Zolodex.	Neimann, R.		Rominger, P.; Carpenter, C.			DP Deliberative Process
HHC906-02970303	12/10/1997	Email	Attaching draft of language to be used in response to inquiries regarding the issue of least costly alternative and payment for Lupron and Zolodex.	Heygster, Anita		Rominger, Pamela		Garrison, D.; Nancy S.	DP Deliberative Process
HHC906-0304-0306	08/15/1997	Draft language	Language to be used in response to inquiries re: payment of Lupron	Niemann, R.				Jacobs, Tom	DP Deliberative Process
HHC906-03140316	01/27/1997	Email and attachment	Discussion of instructions to Carrier Medical Directors regarding least costly alternative policy.	Sigmund, James		Contreas, A.			DP Deliberative Process
HHC906-03170317	04/12/1995	Draft language	Draft language to be used in responding to Dr. Timothy C. Hlavinka regarding Medicare coverage of Zolodex.			Colbert, Dorothy			DP Deliberative Process
HHC906-03180325 (Released 318-19)	06/17/1991	Memo and attachment	Medicare Drug Pricing (Your memo dated July 3, 1990) Discussing NPRM not to include drugs in the Physician Fee Schedule and pay for drugs at AWP minus 15% discount.	Buto, K. A.	Director, BPD	Christenberry, M. J.	Associate Regional Administrator, Division of Medicare, Dallas		DP Deliberative Process
HHC906-03260332	07/10/1990	Memo	Regional Office Recommendations for Program Changes to Address Agency Initiatives. Recommends changes to carrier and intermediary drug reimbursement policies.	Christenberry, M. J.		Gagle, Barbara	Director, BPO		DP Deliberative Process
HHC906-03340336 (Released 336)	09/16/1998	Letter and attachment	Draft Response to 4/13/1998 letter re: reimbursement rate for Gamma Gloublin injection. Also contains discussion of Lupron litigation.	Duncan, Shirley	Chief, Health Plan Providers Branch, HCFA Dallas	Burns, W.E.	M.D.		DP Deliberative Process
HHC906-03370338	11/3/1997	Route slip and attachment	State plan amendment consideration. Handwritten notes analyzing Texas's proposed reimbursement methodology.	Reiden, J.					DP Deliberative Process
HHC906-03390339	XX/XX/XXXX	Form	Batch Information Re: Lupron MDL Subpoena						DP Deliberative Process
HHC906-05050505	10/8/1999	Email	Discussion of Least Costly Alternative Policy and Lupron, Zolodex, and ESRD services.	Pilley, Mark	Mutual of Omaha	Nichols, K.		Cox, Kathy	DP Deliberative Process

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HHC906-05140536 (Released 514-515, 519-520, 529-536)	12/20/1999	Fax and attachment	Draft of policy memorandum to correct code J2405 (Monitored Anesthesia policy, special circumstances when the Anesthesia care needs to be monitored. Also contains e-mail discussion of reimbursement methodology for Part B injectable drugs.	Moore, Pat		Murff, Donna	HCFA		DP Deliberative Process
HHC906-05580559	XX/XX/XXXX	Letter (draft)	Draft letter discussing Colorado's State Plan Amendment (SPA) 02-011, which would modify the estimated acquisition cost for prescription drugs, increasing the discount to AWP less 14% for brand name drugs and AWP less 45% for generics.	Reed, L.	Co-Director, Pharmacy Team, CMS	Chaumont, Vivianne	Director, Office of Medical Assistance, Dept. of Health Care Policy & Financing	Ericson, Spencer, Acting Associate Regional Administrator,	DP Deliberative Process
HHC906-05600561	XX/XX/XXXX	Medicare Payment Policy and Email	Internal discussion and proposed policy clarification regarding Medicare Payment Policy for Implantable infusion Pump and the Drugs Used to Refill the Pump	Merrill, Jill					DP Deliberative Process
HHC906-05770578	XX/XX/XXXX	Change request 2869	Draft Program Memorandum Intermediaries/Carriers - Subj.: Drug Pricer Quarterly Update						DP Deliberative Process
HHC906-05850586	XX/XX/XXXX	Draft	Draft letter discussing Colorado's State Plan Amendment (SPA) 02-011, which would modify the estimated acquisition cost for prescription drugs, increasing the discount to AWP less 14% for brand name drugs and AWP less 45% for generics.	Reed, Larry, Department of Health & Human Services	Co-Director, Pharmacy Team,	Allen, Richard, Office of Medical Assistance	Director	Ericson, Spencer, Denver Regional Office	DP Deliberative Process
HHC906-05870590	XX/XX/XXXX	Draft Report	Draft of Q&A response to the State of Montana SPA 03-003, focusing on covered outpatient drugs and Medicaid drug rebate.						DP Deliberative Process
HHC906-05910592	XX/XX/XXXX	Draft letter	Draft request for information from Montana regarding State Plan amendment (SPA) 03-002. The amendment proposes to change the reimbursement methodology for the Estimated Acquisition Cost representing Average Wholesale price.	Reed, L.	Co-Director, Pharmacy Team	Gray, Gail	Director, Health Policy & Services Division, Dept. of Public Health and Human Services	Anderson, Todd; Dunstan, Diane	DP Deliberative Process
HHC906-05930594	XX/XX/XXXX	Draft letter	Draft letter discussing Colorado's State Plan Amendment (SPA) 02-011, which would modify the estimated acquisition cost for prescription drugs, increasing the discount to AWP less 14% for brand name drugs and AWP less 45% for generics.	Reed, L.	Co-Director, Pharmacy Team	Rinerston, Karen	Director, Office of Medical Assistance, Dept. of Health Care Policy & Financing	Ericson, Spencer	DP Deliberative Process
HHC907-00010002	12/16/1998	Typed Note	Re: Lupron v. Zoladex LMRP Issue; policy clarification; strategy recommendations regarding proposed LMRP	GNR					DP Deliberative Process



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HHC907-00030003	12/16/1998	Typed Note	RE: lupron v. Zoladex LMPR Issue; policy clarification; strategy recommendations regarding proposed LMRP	GNR					DP Deliberative Process
HHC907-00040006	XX/XX/XXXX	Handwritten Notes	Re: Lupron / Zoladex; Notes on discussion regarding payment for these drugs.						DP Deliberative Process
HHC907-00070008	11/20/1998	Draft letter	Re: Proposed Local Medical Review Policy regarding coverage for Lupron; explanation of LMRP process and clarification of issues raised in initial letter	Bruck, Mary E.	Medicare Contractor Management Branch, Division of Beneficiary Services				DP Deliberative Process
HHC907-00090009	10/29/1989	Handwritten note	Re: CA Proposal for Drug Reimbursement Methodology; implementation of reimbursement procedures			Masleowitz, Jerry			DP Deliberative Process
HHC907-00100016	12/28/1989	Memo with attached draft	An Operational Definition of "Aggregate Test" for purposes of the EAC at 42 CFR 447.331; request for confirmation that draft accurately reflects HCFA policy	McDonough, Lawrence L.	Associate Regional Administrator, Division of Medicaid, Region IX	Buto, K.	Director, BPO	Schutzan, Fred, Director, Bureau of Quality Control	DP Deliberative Process
HHC907-00740088 (Released 74-75)	7/22/1998	Draft	Distribution of information for the 1998 Influenza and Pneumococcal Campaign--ACTION; revised questions and answers concerning coverage and payment policies	Jones, O. Sharon	Chief, Customer Relations Branch, Division for Beneficiaries, Health Plans and Providers	Retention date: December 31, 1999			DP Deliberative Process
HHC907-01170124	10/28/1996	Draft memo and attachment	Inappropriate Physician Fee Schedule Payments in Hospitals; explanation of basic payment principles and whether certain payments would qualify as incident to services	Cusick, Elizabeth, Director & Stewart, Streimer, Director	Office of Physician & Ambulatory Care Policy, BPD & Office of Program Requirements, BPO	All Associate Regional Administrators	Division of Medicare		DP Deliberative Process
HHC907-01250128	12/7/1998	Email and attachments	Lupron & Zoladex; discussion of least costly alternatives	Baier, Fay		Schoen, T.			DP Deliberative Process
HHC907-01290129	05/3/1996	Short Email	Payment policy For Zoladex and other drugs in similar circumstances.	Grabowski, John		WPPROFS HCFASFO		Schoen, T.	DP Deliberative Process
HHC907-01500151	02/1/1999	Email	Dr. Mollen and Flu/PPV Reimbursement; explanation of the logic of both the pricing of the Flu/PPV and of the administration of the vaccine	Schoen, Teresa		San Francisco.SF01.Calma, Denver.Den1.Rstrub		Wong, H, White2, M; Shoemaker M	DP Deliberative Process
HHC907-03260326	XX/XX/XXXX	Handwritten notes	Reimbursement of Epogen; statutory limits and comparison to other drugs.	Schoen, T.					DP Deliberative Process

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HHC907-04290440 (Released 432-40)	06/22/1998	Email and attachments	Single Drug Pricing File; AWP simplified process; explanation of background of teleconference regarding how carriers calculate payment allowances	Ring, Linda		Ross, F.; Spreng A.			DP Deliberative Process
HHC907-04880494	XX/XX/XXXX	Draft Report	CIGNA Contractor Performance Review Report; background, review methodology of CIGNA-DMERC's performance and how payment amounts are calculated for Durable Medical Equipment, Prosthetics, Orthotics and Supplies.		Schoen, T.				DP Deliberative Process
HHC907-05520557 (Released 553-557)	05/3/1996	Email	Discussion of Payment For Zoladex and other drugs under similar circumstances.	Grabowski, John		Schoen, T.			DP Deliberative Process
HHC907-05580558	10/24/1996	Short Email	Regarding extent of discretion a carrier medical director has in paying for equivalent drugs with different prices	Schumaker, Bernadette		Ault, T.		Neimann, R.; Bagley, G.; Primack, A.	DP Deliberative Process
HHC907-05600562	XX/XX/XXXX	Comments	CR#1232/N464 Accurate Average Wholesale Price Data for Drugs; edits of submitted memorandum	Gattuso, John				Stokayer, A.; Slisker; Blumenfeld, A; Scolonferrer	DP Deliberative Process
HHC907-06500693	03/10/1997	Email and attachments	Discussion of Sandimmune pricing; and discussion of alterations to NDC and HCPCS Codes	Schoen, T.		Riley, Carolyn			DP Deliberative Process
HHC907-07230724	11/20/1997	Notes	Handwritten notes from phone conversation with Barbara Douglas; discussion of payment practices for specific Jcodes.	Schoen, T.					DP Deliberative Process
HHC907-07250729	10/29/1998	Notes and attachment	Handwritten notes; Cigna - 1988 CPE Review; pricing array; calculation of AWP for albuterol	Schoen, T.					DP Deliberative Process
HHC907-07300739	XX/05/1998	Email and attachment	Draft of CPE Review of CIGNA-DEMERC regarding Inherent Reasonableness (IR); and draft contractor review report regarding payment amounts for DMEPOS.	Schoen T.		Underhill J.		Bell, B.; Kendall, C.	DP Deliberative Process
HHC907-07670770	07/24/1996	Note	Handwritten note on conversation with Mary Lipinsky re: Immunex; new drug pricing info and AWP calculation.	Schoen, T.					DP Deliberative Process

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HHC907-08000816	07/27/1998	Email and attached IR Project	National DMERC IR Project (Albuterol Nebulizer (Aerosol Inhaled ) Drugs; explanation of project; revision of draft of DMERC IR notice	Kaiser, Joel		Finn, C.; Eiler, C.; Stone, R.; Douglas, B.; Leads		Long2, W.; Rutemueller, W.; Wardell, B.; Spalding, J.	DP Deliberative Process
HHC907-08170826	04/1/1998	Notes	Handwritten notes on I R Teleconference; outline of process for IR; question/answer regarding hypotheticals as applied to DMERC	Long, Bill; Schoen, T.					DP Deliberative Process
HHC907-08270836 (Released 830-32, 834-36)	04/1/1998	Broadcast fax with attachments	Listing of IR Candidates, Report of contacts and correspondence for 10am IR Conference call; letters from parties to HCFA regarding fee payment for devices.	Kaiser, Joel, BPO OCCIP	Chronic Care Purchasing Policy Group	Greer, Scott; Thomas Irvin; Schmidt, Nancy; Kozak, Debbie; Finn, Colleen; Eller, Cheryl; Stone, Robin; Douglas, Barbara; Edge, Mike	Lead DME RO's, DMERCS, and SADMERC		DP Deliberative Process
HHC907-08370851	04/5/1999	Email w/attachments & handwritten notes	Draft DMERC IR Comments & Response for review; request that Medical Directors also review document; regarding statistical validity of pricing data, general process issues, requirements of the Administrative Procedures Act and other legal issues	Kaiser, Joel	DME	Finn, C.; Eiler, C.; Stone2, R.; Douglas, B.;	Leads	Huges, P.; Oleck, A.; Rutemueller, W.; Long2, W.; Wardwell, B.; Dr. Hoover	DP Deliberative Process
HHC907-08520860	04/14/1998	Notes handwritten	RE: Inherent Reasonableness teleconference; Bulletins-cost factors; draft of strategy for implementing IR standard.	Schoen, T.					DP Deliberative Process
HHC907-08610862 (Portions redacted)	04/29/1998	Email	Re: Inherent Reasonableness -contact with retail stores with resulting retail pricing on albuterol sulfate	Zone, Bob		Schoen, T.; Ballentine, L.; HCFA, Kaiser, J.		Underhill, J.; HCFA, Medical Direct	DP Deliberative Process
HHC907-08630874	04/30/1998	Handwritten notes	RE: Inherent Reasonableness; Bulletin Funds; discussion of retail prices and state pricing	Schoen, T.					DP Deliberative Process
HHC907-08750881	05/14/1998	Handwritten notes	RE: Inherent Reasonableness teleconference; brainstorming regarding retail prices	Schoen, T.					DP Deliberative Process

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HHC907-09050911	06/4/1998	handwritten notes	IR Teleconference - IR Project Albuterol (K0505) = Nebulizer Drug; progress of analysis and usage of Region D's spreadsheet format	Schoen, T.					DP Deliberative Process
HHC907-09450951	06/17/1998	Email w/ handwritten notations and attached handwritten notes	re: IR Call; minutes of call detailing discussion of each member's contribution; plans for following Bulletin	Costello, A; Schoen, T.		IR Group		McWright, L.; Washington, DC	DP Deliberative Process
HHC907-09530956	06/24/1998	Email message w/handwritten notes dated 6/24/98 & Email message 6/25/98	RE: IR Survey w/ handwritten notes regarding proper pricing; DMERC's receipt of accurate info	Rutemueller, W.; Schmidt, N.; Long, W.; Cohen, J.		Vogel, M.; Thomas, T.		Long2, W.; Kaiser, J.; Spalding, J.; Costello, A.; Cohen, J.	DP Deliberative Process
HHC907-09570963	07/9/1998	Handwritten notes	RE: Inherent Reasonableness; progress on receipt and analysis of state surveys	Schoen, T.					DP Deliberative Process
HHC907-09680974	07/20/1998	Handwritten notes	Re: IR Call; progress notes on pricing formulas for albuterol and other products	Schoen, T.					DP Deliberative Process
HHC907-09750977	07/21/1998	Draft Notes of Meeting	Inherent Reasonableness Briefing (IR) -7/21/98; DMERC's implementation of the BBA; methodology of study and agreement of participants						DP Deliberative Process
HHC907-09780978	XX/XX/XXXX	Draft	Draft Initial Notice of Inherent Reasonableness regarding certain HCPCS codes. Discusses application of IR to Medicare Part B payments.		Cigna Medicare, DMERC Pricing Unit				DP Deliberative Process
HHC907-09900992	07/29/1998	Handwritten notes	RE : IR Call; progress notes on pricing methodologies	Schoen, T.					DP Deliberative Process
HHC907-09970999 (Released 997-98)	07/29/1998	Email messages w/attachment	Suggested edits for draft Notice of Inherent Reasonableness	Kaiser, J.; Costello, A.		Finn, C.; Eller, C.; Stone, R.; Douglas, B.; Douglas2, B.; IR Group		Vogel, M.; Thomas, I,	DP Deliberative Process
HHC907-10081008	11/3/1998	Handwritten notes	Re: CIGNA DMERC-CPE< IR Sample 6/17/98 Spreadsheets; list of spreadsheets with comments and survey calculations.	Schoen, T					DP Deliberative Process

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HHC907-10091012	11/16/1998	Email w/attachments re : Region D Comments to the IR	Region D's questions & answers to comments received for IR project; summary of comments and responses	Douglas, B., CIGNA		Kaiser, J., HCFA		Schoen, T., Underhill, J.	DP Deliberative Process
HHC907-10691073 (Released 1072-73)	XX/XX/XXXX	Memo	WA 02-022 With Attachment	Myers, Ann		Howell, K			DP Deliberative Process